

## HB1 INTRODUCED



1 BYAXQJ-2  
2 By Representatives Simpson, Brown, Marques, Stringer,  
3 Stadthagen, Sorrells, Collins, Ledbetter, Pringle,  
4 Easterbrook, Pettus, Kiel, Colvin, Estes, Woods  
5 RFD: Judiciary  
6 First Read: 07-Mar-23  
7 PFD: 20-Jan-23



SYNOPSIS:

Under existing law, there is a mandatory sentencing scheme in place which includes mandatory terms of imprisonment and fines for any person who knowingly sells, manufactures, delivers, or is in possession of various controlled substances. The terms of imprisonment and fines are determined by the weight of the controlled substance involved in the offense.

Under existing law, a person who knowingly sells, manufactures, delivers, or is in possession of four or more grams of any mixture containing Fentanyl, or any synthetic controlled substance Fentanyl analogue, is subject to various mandatory terms of imprisonment and fines.

Existing law provides only for fines concerning the unlawful sale, manufacture, delivery, or possession of Fentanyl as a single component.

This bill would provide for mandatory terms of imprisonment for a person who engages in the unlawful sale, manufacture, delivery, or possession of one or more grams of Fentanyl as a single component.

This bill would also impose additional criminal penalties for subsequent violations.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect



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would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL

TO BE ENTITLED

AN ACT

Relating to controlled substances; to amend Section 13A-12-231, Code of Alabama 1975; to add mandatory minimums for certain felony drug trafficking crimes; to provide for additional penalties for subsequent offenses; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.



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Section 1. Section 13A-12-231, Code of Alabama 1975, is amended to read as follows:

"§13A-12-231

Except as authorized in Chapter 2, Title 20:

(1) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of one kilo or 2.2 pounds of any part of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin including the completely defoliated mature stalks of the plant, fiber produced from the stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination is guilty of a felony, which ~~felony~~ shall be known as "trafficking in cannabis." Nothing in this subdivision shall apply to samples of tetrahydrocannabinols including, but not limited to, all synthetic or naturally produced samples of tetrahydrocannabinols which contain more than 15 percent by weight of tetrahydrocannabinols and which do not contain plant material exhibiting the external morphological features of the plant cannabis. If the quantity of cannabis involved:

a. Is in excess of one kilo or 2.2 pounds, but less than 100 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of twenty-five thousand dollars (\$25,000).

b. Is 100 pounds or more, but less than 500 pounds, the



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person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of fifty thousand dollars (\$50,000).

c. Is 500 pounds or more, but less than 1,000 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred thousand dollars (\$200,000).

d. Is 1,000 pounds or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(2) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine or of any mixture containing cocaine, described in Section 20-2-25(1), is guilty of a felony, which ~~felony~~ shall be known as "trafficking in cocaine." If the quantity involved:

a. Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is one kilo, but less than 10 kilos, ~~then~~ the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).



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d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(3) Any person, except as otherwise authorized by law, who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 20-2-23(b)(2) or Section 20-2-25(1)a., or four grams or more of any mixture containing any such substance, or any mixture containing Fentanyl or any synthetic controlled substance Fentanyl analogue, as described in Sections 20-2-23 and 20-2-25, is guilty of a felony, which ~~felony~~ shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is 28 grams or more, but less than 56 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of five hundred thousand dollars (\$500,000).

d. Is 56 grams or more, the person shall be sentenced to a mandatory term of imprisonment of life.



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(4) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 1,000 or more pills or capsules of methaqualone, as described in Section 20-2-1, et seq., is guilty of a felony, ~~which~~ felony shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is 1,000 pills or capsules, but less than 5,000 pills or capsules, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and pay a fine of fifty thousand dollars (\$50,000).

b. Is 5,000 capsules or more, but less than 25,000 capsules, ~~that~~ the person shall be imprisoned to a mandatory minimum term of imprisonment of 10 calendar years and pay a fine of one hundred thousand dollars (\$100,000).

c. Is 25,000 pills or more, but less than 100,000 pills or capsules, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of five hundred thousand dollars (\$500,000).

d. Is 100,000 capsules or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(5) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 500 or more pills or capsules of hydromorphone, as is described in Section 20-2-1, et seq., is guilty of a felony, which shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is 500 pills or capsules or more but less than 1,000 pills or capsules, the person shall be sentenced to a



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mandatory term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 1,000 pills or capsules or more, but less than 4,000 pills or capsules, the person shall be sentenced to a mandatory term of imprisonment of 10 calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is 4,000 pills or capsules or more but less than 10,000 pills or capsules, the person shall be sentenced to a mandatory term of imprisonment of 25 calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

d. Is more than 10,000 pills or capsules, the person shall be sentenced to a mandatory term of life.

(6) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of 3,4-methylenedioxy amphetamine, or of any mixture containing 3,4-methylenedioxy amphetamine, is guilty of a felony, which ~~felony~~ shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is one kilo, but less than 10 kilos, ~~then~~ the person





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shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(7) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine, is guilty of a felony, which ~~felony~~ shall be known as "trafficking in illegal drugs." ~~if~~ If the quantity involved:

a. Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is one kilo, but less than 10 kilos, ~~then~~ the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(8) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in



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actual or constructive possession of, four grams or more of phencyclidine, or any mixture containing phencyclidine, is guilty of a felony, which ~~felony~~ shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is 28 grams or more, but less than 56 grams, ~~then~~ the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

d. Is 56 grams or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(9) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of lysergic acid diethylamide, ~~or~~ or four grams or more of any mixture containing lysergic acid diethylamide, is guilty of a felony, which ~~felony~~ shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is four grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of



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253 fifty thousand dollars (\$50,000).

254 b. Is 14 grams or more, but less than 28 grams, the  
255 person shall be sentenced to a mandatory minimum term of  
256 imprisonment of 10 calendar years and to pay a fine of one  
257 hundred thousand dollars (\$100,000).

258 c. Is 28 grams or more, but less than 56 grams, the  
259 person shall be sentenced to a mandatory minimum term of  
260 imprisonment of 25 calendar years and to pay a fine of five  
261 hundred thousand dollars (\$500,000).

262 d. Is 56 grams or more, the person shall be sentenced  
263 to a mandatory term of imprisonment of life.

264 (10) Any person who knowingly sells, manufactures,  
265 delivers, or brings into this state, or who is knowingly in  
266 actual or constructive possession of, 28 grams or more of  
267 amphetamine or any mixture containing amphetamine, its salt,  
268 optical isomer, or salt of its optical isomer thereof, is  
269 guilty of a felony, which ~~felony~~ shall be known as  
270 "trafficking in amphetamine." If the quantity involved:

271 a. Is 28 grams or more but less than 500 grams, the  
272 person shall be sentenced to a mandatory minimum term of  
273 imprisonment of three calendar years and to pay a fine of  
274 fifty thousand dollars (\$50,000).

275 b. Is 500 grams or more, but less than one kilo, the  
276 person shall be sentenced to a mandatory minimum term of  
277 imprisonment of five calendar years and to pay a fine of one  
278 hundred thousand dollars (\$100,000).

279 c. Is one kilo but less than 10 kilos, ~~then~~ the person  
280 shall be sentenced to a mandatory minimum term of imprisonment



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of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(11) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of methamphetamine or any mixture containing methamphetamine, its salts, optical isomers, or salt of its optical isomers thereof, is guilty of a felony, which ~~felony~~ shall be known as "trafficking in methamphetamine." If the quantity involved:

a. Is 28 grams or more but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is one kilo but less than 10 kilos, ~~then~~ the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(12) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 56 or more grams of a



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synthetic controlled substance or a synthetic controlled substance analogue, as described in ~~subdivision (4) or (5) of subsection (a) of~~ Section 20-2-23 (a) (4) or (5), except for any synthetic controlled substance Fentanyl analogue referenced in subdivision (13), is guilty of a felony, which ~~felony~~ shall be known as "trafficking in synthetic controlled substances." If the quantity involved:

a. Is 56 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

b. Is 500 grams or more, but less than 1 kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

c. Is one kilo, but less than 10 kilos, ~~then~~ the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life.

(13) Any person, unless otherwise authorized by law, who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, one gram or more of Fentanyl or any synthetic controlled substance Fentanyl analogue, as a single component as described in Sections 20-2-23 and 20-2-25, is guilty of a felony, which ~~felony~~ shall be known as "trafficking in illegal



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drugs." If the quantity involved:

a.1. Is one gram or more, but less than two grams, the person shall be ~~ordered~~sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a minimum fine of fifty thousand dollars (\$50,000).

~~b.~~2. Is two grams or more, but less than four grams, the person shall be ~~ordered~~sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a minimum fine of one hundred thousand dollars (\$100,000).

~~c.~~3. Is four grams or more, but less than eight grams, the person shall be ~~ordered~~sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a minimum fine of five hundred thousand dollars (\$500,000).

~~d.~~4. Is eight grams or more, the person shall be ~~ordered~~sentenced to a mandatory term of imprisonment of life and to pay a minimum fine of seven hundred fifty thousand dollars (\$750,000).

b.1. Notwithstanding any provision of law, in addition to any penalties provided by law, upon a second conviction of this subdivision, the person shall be sentenced to an additional term of imprisonment of five calendar years, which is not subject to suspension or probation.

2. Upon a third or subsequent conviction of this subdivision, in addition to any penalties provided by law, the person shall be sentenced to an additional term of imprisonment of 10 calendar years, which is not subject to suspension or probation.

(14) In lieu of the weight ranges listed in subdivision



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(12), a person may instead be charged with trafficking any substance listed in subdivisions (3) and (12) if that person possesses 50 or more individual packages of that substance. The person shall only be sentenced according to the sentence range provision listed in paragraph a. of each subdivision for the specific substance contained in the 50 or more individual packages if charged pursuant to this subdivision, subdivision (15), or subdivision (16), if applicable. In order to charge a person pursuant to this subdivision, the same substance must be contained in each of the 50 or more individual packages.

(15) The felonies of "trafficking in cannabis," "trafficking in cocaine," "trafficking in illegal drugs," "trafficking in amphetamine," "trafficking in methamphetamine," and "trafficking in synthetic controlled substances" as defined in subdivisions (1) through (14) ~~above,~~ shall be treated as Class A felonies for purposes of this title, including sentencing under Section 13A-5-9. Provided, however, that the sentence of imprisonment for a defendant with one or more prior felony convictions who violates subdivisions (1) through (14) ~~of this section~~ shall be the sentence provided therein, or the sentence provided under Section 13A-5-9, whichever is greater. Provided further, that the fine for a defendant with one or more prior felony convictions who violates subdivisions (1) through (14) ~~of this section~~ shall be the fine provided therein, or the fine provided under Section 13A-5-9, whichever is greater.

(16) Notwithstanding any provision of law to the contrary, any person who has possession of a firearm during



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the commission of any act proscribed by this section shall be punished by a term of imprisonment of five calendar years, which shall be in addition to, and not in lieu of, the punishment otherwise provided, and a fine of twenty-five thousand dollars (\$25,000); ~~the~~. The court shall not suspend the five-year additional sentence of the person or give the person a probationary sentence."

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall take effect on the first day of the third month, following its passage and approval by the Governor, or its otherwise becoming law.